THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2079 OF 2005

Date: 29-7-2005

Between:

Pebbili Nagalaxmi

… Petitioner.

And

The Additional Agent to Government,

Director of Tribal Welfare, Rampachodavaram,

Rampachodavaram Mandal, E.G.District and others.

… Respondents.

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WRIT PETITION NO.2079 OF 2005

ORDER:

Though interlocutory matters are listed, the Writ Petition itself is heard and is being disposed of with the consent of the learned counsel for the parties.

The petitioner assails the order of second respondent dt.24.7.2004 in C.M.A.No.25 of 2003, confirming the order dt.18.3.2003 passed by third respondent. Be it noted that third respondent by the said order came to the conclusion that petitioner has contravened Section 3(2)(a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1959 (for short, the Regulations) and therefore she is liable to be

evicted. The appellate authority agreed with the said conclusion.

It is the case of the petitioner that she is second wife of one Rama Rao, who purchased the property in 1959 and therefore the same is not illegal under the Regulations. It is also contended that earlier in 1975 third respondent initiated action under the Regulations and held in favour of the petitioner and therefore the issue is barred by *res judicata*. Regulation 6 of the Regulations provide for revision to the Government against order passed by the Agent to the Government as an appellate authority. In the opinion of this Court, this is effective alternative remedy as questions of fact are involved. Liberty is given to petitioner to prefer revision before the Government within a period of two weeks from the date of receipt of this order and also obtain appropriate interim orders from the Government. To enable the petitioner to do so, there shall be *status quo* as on today for a period of two weeks from today.

The Writ Petition, with the above observations and directions is disposed of.

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(V.V.S.RAO, J)

29.7.2005

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